

CM/ECF VERSION 3.1

ATTORNEY TRAINING

OBJECTIVES

- **Explain the new Bankruptcy and Adversary case opening screens.**
- **Identify changes to the new Official Bankruptcy forms and describe the new statistical requirements in Version 3.1:**
 - **Voluntary Petition Form 1**
 - **Official Form 6, Summary of Schedules**
 - **Adversary Cover Sheet Form 104**

- **The requirement for increased statistical reporting becomes effective October 17, 2006.**
- **CM/ECF Version 3.1 is designed primarily to collect and transmit additional data about bankruptcy filings and adversary proceedings to the Administrative Office's Statistics Division.**

**Besides the data required
from the BAPCPA, CM/ECF
Version 3.1 contains
statistical elements from
requirements of the Judicial
Conference's Committee on
the Administration of the
Bankruptcy System.**

Version 3.1 will be collecting and reporting more data to send to the Statistics Division.

The traditional reporting of case opening and closing data will continue, but new fields from the actual docketing event will also be transmitted.

New Reporting Requirements

This list is an example of the variety of information being gathered

- **Filing Fees**
- **Fee Waivers**
- **Assets**
- **Amended plans and orders approving plans**
- **Chapter 11 Trustee activity**
- **Amounts of Dischargeable and Nondischargeable Debts**
- **Transfer cases**
- **Appeals**
- **Rent Deposits**
- **Damages under Rule 9011**
- **Reaffirmation Agreements**

Some event specific data is extracted through CM/ECF docket events

- **Filed date**
- **Role of filer**
- **Dollar amounts**
- **Event frequency**
- **Order actions**
- **Hearing locations**

Contested Matters are actions that have the potential to raise objections and hearings

- **Data concerning these matters are not reported until they are resolved.**
- **Includes all related events, hearings, answers, etc.**

Bankruptcy Case Opening

**The following screens
illustrate changes to
“Opening New Bankruptcy
Cases” and information
that will be reported.**

CM/ECF Version 3.1

BANKRUPTCY CASE OPENING

ECF

Bankruptcy

Adversary

Query

Reports

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Type of debtor

A "Prior filing within last 8 years" field has been added. This information is included on the Voluntary Petition.

- ☐ Single Asset Real Estate
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☐ Other
- ☐ Tax-Exempt Entity

Next

Clear

The “Nature of Debt” field now allows you to choose “business” or “consumer”

CM/ECF Version 3.1 BANKRUPTCY CASE OPENING

CM/ECF Bankruptcy • Adversary • Query • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Type of debtor

- ☒ Individual
- ☐ Corporation (includes LLC & LLP)
- ☐ Partnership
- ☐ Other

Not a debtor

- ☐ Stockholder
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☐ Other
- ☐ Tax-Exempt Entity

Next Clear

The “Nature of debt” field default is now blank.

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BANKRUPTCY CASE OPENING

ECF

Bankruptcy • Adversary • Query • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Type of debtor

☒ Individual

☐ Corporation (includes LLC & LLP)

☐ Partnership

☐ Other

Nature of business

☐ Health Care Business

☐ Small Business

The "Asset notice" field defaults to "No" for Chapter 7 case openings.

This field defaults to "Yes" for all other chapters.

CM/ECF Version 3.1

BANKRUPTCY CASE OPENING

ECF

Bankruptcy • Ad • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

The field default is blank for:
"Estimated number of creditors"
"Estimated assets", and
"Estimated debts".

There are five new check-box categories for
Estimated Assets and Estimated
Debts/Liabilities on the new Voluntary
Petition. The software has been updated to
reflect this change.

- ☐ Health Care Business
- ☐ Single Asset Real Estate
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☐ Other
- ☐ Tax-Exempt Entity

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BANKRUPTCY CASE OPENING

CM/ECF

Bankruptcy • Adversary • Query • Reports •

Open New Bankruptcy Case

Prior filing within last 8 years

Fee status

Nature of debt

Estimated assets

Type of debtor

☒ Individual

☐ Corporation (includes LLC & LLP)

☐ Partnership

☐ Other

Nature of business

☐ Health Care Business

☐ Single Asset Real Estate

☐ Railroad

☐ Stockbroker

☐ Commodity Broker

☐ Clearing Bank

☐ Other

☐ Tax-Exempt Entity

Nature of Business:

- "Nature of business" label added above list of business types
 - "Other" type added
- Radio buttons instead of check-boxes
- "Tax-Exempt Entity" can be selected in conjunction with any type of business
- Tax-Exempt Entity was formerly called "Non-Profit".

Two new options for the Chapter 11 plan allow you to indicate if the plan is included with the petition and if it is a prepackaged (pre-approved) plan

Open New Bankruptcy Case

Small business

- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets

Estimated debts

Type of debtor

- ☐ Individual
- ☐ Corporation (includes LLC & LLP)
- ☐ Partnership
- ☐ Other

Nature of business

- ☐ Health Care Business
- ☐ Single Asset Real Estate
- ☐ Railroad
- ☐ Stockbroker
- ☐ Commodity Broker
- ☐ Clearing Bank
- ☐ Other
- ☐ Tax-Exempt Entity

CASE OPENING STATISTICS

Bankruptcy case opening screens have been changed to reflect new statistical requirements.

The first data screen will display the option of Foreign Main Proceeding or Foreign Non-Main Proceeding if the filer is filing under Chapter 15.

The Chapter 15 designation selection is also in the revised Voluntary Petition. This selection will not appear for other chapters.



Open New Bankruptcy Case

Case type **bk**

Case number

Date filed

☒ AM ☐ PM

Chapter

Joint Petition

Deficiencies

Origin

Main/Nonmain

Chapter 15 for Recognition of a Foreign Main Proceeding

Chapter 15 for Recognition of a Foreign Main Proceeding

Chapter 15 for Recognition of a Foreign Nonmain Proceeding

Selecting 'y' to **Payment By Credit Card Requested** requires payment to be made in **FULL**, online by Credit Card.

Application to Pay in Installments is NOT AVAILABLE when selecting 'y' to **Payment By Credit Card Requested**.

CREDIT CARDS ARE NOT ACCEPTED OVER THE COUNTER, IN THE CLERKS OFFICE.

Opting to pay by Credit Card means that the fee will be available for payment online by **Close of Business the following day** and must be paid in **FULL**.

Payment by
Credit Card
Requested

[Next](#)

[Clear](#)

Official Form 6

Official Form 6 - Summary (3/06)

United States Bankruptcy Court District Of _____

In re _____
Debtor

Case No. _____
Chapter _____

SUMMARY OF SCHEDULES

Indicate on each schedule whether that schedule is attached and state the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to determine the total amount of the debtor's assets. Add the amounts of all claims from Schedules D, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Statistical Summary of Certain Liabilities and Related Data" if they file a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (YES/NO)	NO. OF PAGES	ASSETS	LIABILITIES	OTHER
A - Real Property			\$		
B - Personal Property			\$		
C - Property Claimed as Exempt					
D - Creditors Holding Secured Claims				\$	
E - Creditors Holding Unsecured Priority Claims (Total of Claims on Schedule E)				\$	
F - Creditors Holding Unsecured Nonpriority Claims				\$	
G - Recutory Contracts and Unexpired Leases					
H - Contingent					
I - Current Income of Individual Debtor(s)					\$
J - Current Expenses of Individual Debtor(s)					\$
TOTAL			\$	\$	

Official Form 6 - Statistical Summary (3/06)

United States Bankruptcy Court District Of _____

In re _____
Debtor

Case No. _____
Chapter _____

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(b) of the Bankruptcy Code (11 U.S.C. § 100(b)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E) (whether disputed or undisputed)	\$
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E)	\$
Student Loan Obligations (from Schedule F)	\$
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	\$
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$
TOTAL	\$

State the following:

Average Income (from Schedule I, Line 10)	\$
Average Expenses (from Schedule J, Line 10)	\$
Current Monthly Income (from Form 22A Line 12; OR, Form 120 Line 11; OR, Form 22C Line 20)	\$



State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column	\$
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column	\$
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column	\$
4. Total from Schedule F	\$
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)	\$

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BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES


[Bankruptcy](#)
[Adversary](#)
[Query](#)
[Reports](#)
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[Open New Bankruptcy Case](#)

SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, D, E, F, I, J, Form 12, and Nondischargeable Debt in the boxes provided.

NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
A - Real Property	<input type="text"/>		
B - Personal Property	<input type="text"/>		
D - Creditors Holding Secured Claims		<input type="text"/>	
E - Creditors Holding Unsecured Priority Claims		<input type="text"/>	
F - Creditors Holding Unsecured Nonpriority Claims		<input type="text"/>	
I - Average Income (line 16)			<input type="text"/>
J - Average Expenses (line 18)			<input type="text"/>
12 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C			<input type="text"/>
Total nondischargeable debt From Form 6, page 2 (28 USC 159)		<input type="text"/>	
Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known.		<input type="text"/>	

Certain data from the **Summary of Schedules**, Form 6, will now be collected for reporting when opening a bankruptcy case.

This new screen captures items from the Form 6 **Summary of Schedules** and Form 22A, 22B or 22C, depending upon the chapter.

CM/ECF Version 3.1

BANKRUPTCY CASE OPENING

SUMMARY OF SCHEDULES

Official Form 6 - Summary (10/08)

United States Bankruptcy Court
District Of _____

In re _____
Debtor

Case No. _____
Chapter _____

SUMMARY OF SCHEDULES

Indicate to which schedule whether that schedule is attached and enter the number of pages in each. Report the totals from Schedules A, B, D, E, F, I, and J in the boxes provided. Add the amounts from Schedules A and B to calculate the total amount of the debtor's assets. Add the amounts of all claims from Schedules C, E, and F to determine the total amount of the debtor's liabilities. Individual debtors also must complete the "Estimated Summary of Certain Liquidated and Related Data" Underfile a case under chapter 7, 11, or 13.

NAME OF SCHEDULE	ATTACHED (7 Digits)	PAGE NO. OF SHEETS	AMOUNT	LIABILITIES	OTHER
A - Real Property			1		
B - Personal Property			2		
C - Property Claimed as Exempt					
D - Creditors Holding Secured Claims				4	
E - Creditors Holding Unsecured Secured Claims (List of Claims on Schedule D)				5	
F - Creditors Holding Unsecured Nonpriority Claims				6	
G - Secured Contingent and Unliquidated Claims					
H - Contingent					
I - Current Income of Individual Debtors					3
J - Current Expenses of Individual Debtors					3
TOTAL			4	4	

This is the Official Form 6, Summary of Schedules highlighting the items that should be transferred to CM/ECF case opening.

**Values from
Schedules
A, B, D, E, F,
I and J on
the
Summary of
Schedules
should be
entered
here.**



ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

[Open New Bankruptcy Case](#)

SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.

NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
A - Real Property	<input type="text"/>		
B - Personal Property	<input type="text"/>		
D - Creditors Holding Secured Claims		<input type="text"/>	
E - Creditors Holding Unsecured Priority Claims		<input type="text"/>	
F - Creditors Holding Unsecured Nonpriority Claims		<input type="text"/>	
I - Average Income (line 16)			<input type="text"/>
J - Average Expenses (line 18)			<input type="text"/>
22 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C			<input type="text"/>
Total nondischargeable debt From Form 6, page 2 (28 USC 159)		<input type="text"/>	
Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known.		<input type="text"/>	

**Data for
Current
Monthly
Income is
taken from
Form 22A,
22B or 22C,
depending
upon the
chapter of the
case.**

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout ?

[Open New Bankruptcy Case](#)

SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.

NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
A - Real Property	<input type="text"/>		
B - Personal Property	<input type="text"/>		
D - Creditors Holding Secured Claims		<input type="text"/>	
E - Creditors Holding Unsecured Priority Claims		<input type="text"/>	
F - Creditors Holding Unsecured Nonpriority Claims		<input type="text"/>	
I - Average Income (line 16)			<input type="text"/>
J - Average Expenses (line 18)			<input type="text"/>
22 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C			<input type="text"/>
Total nondischargeable debt From Form 6, page 2 (28 USC 159)		<input type="text"/>	
Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known.		<input type="text"/>	



Open New Bankruptcy Case

SUMMARY OF SCHEDULES

Report the totals from Schedules A, B, D, E, F, I, J, Form 22, and Nondischargeable Debt in the boxes provided.

NAME OF SCHEDULE/FORM	ASSETS	LIABILITIES	OTHER
A - Real Property	<input type="text"/>		
B - Personal Property	<input type="text"/>		
D - Creditors Holding Secured Claims		<input type="text"/>	
E - Creditors Holding Unsecured Priority Claims		<input type="text"/>	
F - Creditors Holding Unsecured Nonpriority Claims		<input type="text"/>	
I - Average Income (line 16)			
J - Average Expenses (line 18)			
22 - Current Monthly Income line 12 on Form B22A, line 11 on Form B22B, or line 20 on Form B22C			<input type="text"/>
Total nondischargeable debt From Form 6, page 2 (28 USC 159)		<input type="text"/>	
Total Dischargeable Debt (Computed) Note: Not computed when any value above for D, E, F, or nondischargeable debt is not known.		<input type="text"/>	

**The value for
Total
nondischargeable
debt is taken from
page 2 of the
Summary of
Schedules..**

CM/ECF Version 3.1

BANKRUPTCY CASE OPENING

STATISTICAL SUMMARY OF LIABILITIES

Official Form 6 - Statistical Summary (10/06)

United States Bankruptcy Court

District Of _____

In re _____
Debtor

Case No. _____

Chapter _____

STATISTICAL SUMMARY OF CERTAIN LIABILITIES AND RELATED DATA (28 U.S.C. § 159)

If you are an individual debtor whose debts are primarily consumer debts, as defined in § 101(6) of the Bankruptcy Code (11 U.S.C. § 101(6)), filing a case under chapter 7, 11 or 13, you must report all information requested below.

☐ Check this box if you are an individual debtor whose debts are NOT primarily consumer debts. You are not required to report any information here.

This information is for statistical purposes only under 28 U.S.C. § 159.

Summarize the following types of liabilities, as reported in the Schedules, and total them.

Type of Liability	Amount
Domestic Support Obligations (from Schedule E)	\$
Taxes and Certain Other Debts Owed to Governmental Units (from Schedule E) (whether disputed or undisputed)	\$
Claims for Death or Personal Injury While Debtor Was Intoxicated (from Schedule E)	\$
Student Loan Obligations (from Schedule F)	\$
Domestic Support, Separation Agreement, and Divorce Decree Obligations Not Reported on Schedule E	\$
Obligations to Pension or Profit-Sharing, and Other Similar Obligations (from Schedule F)	\$
TOTAL	\$

State the following:

Average Income (from Schedule I, Line 16)	\$
Average Expenses (from Schedule J, Line 15)	\$
Current Monthly Income (from Form 22A Line 12; OR, Form 22B Line 11; OR, Form 22C Line 20)	\$

State the following:

1. Total from Schedule D, "UNSECURED PORTION, IF ANY" column	\$
2. Total from Schedule E, "AMOUNT ENTITLED TO PRIORITY" column	\$
3. Total from Schedule E, "AMOUNT NOT ENTITLED TO PRIORITY, IF ANY" column	\$
4. Total from Schedule F	\$
5. Total of non-priority unsecured debt (sum of 1, 3, and 4)	\$

**This is Page 2 of the
Summary of Schedules, the
“Statistical Summary of
Certain Liabilities and
Related Data
(28 U.S. C. Sec 159)”**

**Liability figures should be
entered here. The total of the
Types of Liability amounts
should be entered online in
the appropriate fields on the
first Summary of Schedules
screen.**

Bankruptcy Case Opening Summary of Schedules

- **If the information is not available at case filing, each schedule must be submitted and docketed separately after the case is opened.**
- **There are specific events for each schedule and form, including the summary of schedules.**
- **The amount entered will overwrite any previous value. It will not add the new amount to the previous value.**

- **The Summary of Schedules event:**

- 1. Will display the new summary of schedules screen.**
- 2. Will display values previously entered at case opening.**
- 3. Allow you to change dollar amounts.**

- **Entering data on the Summary of Schedules screen has the same effect as docketing the event separately.**

Docketing Schedules Separately

Miscellaneous:

3-06-00026 CONRAD HURT

Type: bk

Chapter: 7 v

Office: 3 (Nashville)

Assets: n

Is this an Amended Schedule D? Select [Yes or No].

Next

Clear

**If your answer is “No”, it will prompt
a text box to fill in a total that will be
reported as statistical data.**

Miscellaneous:

3-06-00026 CONRAD HURT

Type: bk

Chapter: 7 v

Office: 3 (Nashville)

Assets: n

Enter Secured Claims Total:

Next

Clear

If your answer is “Yes”, it will prompt a screen to select for a method of payment before asking you for an amount that will be reported as statistical data. The next screen will ask for the claims total.

Miscellaneous:

3-06-00026 CONRAD HURT

Type: bk

Chapter: 7 v

Office: 3 (Nashville)

Assets: n

Selecting y to Pay By Credit Card requires payment to be made in FULL, online via the internet.

CREDIT CARDS ARE NOT ACCEPTED OVER THE COUNTER IN THE CLERKS OFFICE.

Opting to pay by Credit Card means that the fee will be available for payment online, no later than close of the next business day and must be paid in FULL.

Will the \$26 fee for this filing be paid in **FULL**, by **online** via the **INTERNET**?

SELECT [**Yes or No**] for REQUEST for Credit Card payment below.

Next

Clear

ADVERSARY CASE OPENING

**There are new “two digit” Natures
of Suit Codes.**

**Some categories are broken out in
more specific detail.**

**These codes will now appear on
the revised Form 104 Adversary
Cover Sheet.**

Revised Form 104

Adversary Proceeding Cover Sheet

FORM 104 (3/00)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS	DEFENDANTS	
ATTORNEYS (Firm Name, Address, and Telephone No.)	ATTORNEYS (If Known)	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin. <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin. <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)		
NATURE OF SUIT (Check up to five (5) boxes starting with first cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		

- FRBP 7001(1) - Recovery of Money/Property**
- ☐ 11 Recovery of money/property - §142 recovery of property
 - ☐ 12 Recovery of money/property - §147 performance
 - ☐ 13 Recovery of money/property - §148 fraudulent transfer
 - ☐ 14 Recovery of money/property - other
- FRBP 7001(2) - Validity, Priority or Extent of Lien**
- ☐ 21 Validity, priority or extent of lien or other interest in property
- FRBP 7001(3) - Appraisal of Sale of Property**
- ☐ 31 Appraisal of sale of property of estate and of a co-owner - §303(b)
- FRBP 7001(4) - Objection/Revocation of Discharge**
- ☐ 41 Objection/revocation of discharge - §727(a)(4)(A)
- FRBP 7001(5) - Revocation of Confirmation**
- ☐ 51 Revocation of confirmation
- FRBP 7001(6) - Dischargeability**
- ☐ 60 Dischargeability - §523(a)(1), (3), (4), (14A) priority tax claims
 - ☐ 61 Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud
 - ☐ 62 Dischargeability - §523(a)(6), fraud as fiduciary, misstatement, bribery (continued next column)
- FRBP 7001(7) - Dischargeability (continued)**
- ☐ 63 Dischargeability - §523(a)(7), domestic support
 - ☐ 64 Dischargeability - §523(a)(8), willful and malicious injury
 - ☐ 65 Dischargeability - §523(a)(9), student loan
 - ☐ 66 Dischargeability - §523(a)(11), discharge of property without release
 - ☐ 67 Dischargeability - other
- FRBP 7001(8) - Equitable Relief**
- ☐ 81 Equitable relief - reinstatement of stay
 - ☐ 82 Equitable relief - other
- FRBP 7001(9) - Subordination of Claims or Interest**
- ☐ 91 Subordination of claims or interest
- FRBP 7001(10) - Declaratory Judgment**
- ☐ 101 Declaratory judgment
- FRBP 7001(11) - Determination of Emergent Issues**
- ☐ 111 Determination of emergent issues or cases
- Other**
- ☐ 99-Other Case - 11 U.S.C. §1106(a)(2)
 - ☐ 99-Other (e.g., other action that would have been brought in state court if not filed in bankruptcy case)

<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand: \$
Other Relief Sought	

FORM 104 (3/00), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR	BANKRUPTCY CASE NO.	
DISTRICT IN WHICH CASE IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISIONAL OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE		
PRINT NAME OF ATTORNEY (OR PLAINTIFF)		

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, if it is required by the court. In some courts, the cover sheet is not required when the adversary proceeding is filed electronically through the court's Case Management/Electronic Case Files (CM/ECF) system. (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Parties. Give the names of the parties to the adversary proceeding exactly as they appear on the complaint. Give the names and addresses of the attorneys if known.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not presented by an attorney, the plaintiff must sign.

CM/ECF Version 3.1

ADVERSARY CASE OPENING

NEW FIELD FOR STATE LAW

[Bankruptcy](#)[Adversary](#)[Query](#)[Reports](#)[Utilities](#)[Logout](#)

Open Adversary Case



Party code

Rule 23 (class
action)

Jury demand

Demand (\$000)

State law

Primary nature of suit

Second nature of suit

Third nature of suit

Fourth nature of suit

Fifth nature of suit

[Next](#)[Clear](#)

A new field for **State law** is for
entry of an existing substantive
issue of state law.

New “Two Digit” Codes

MECF		Bankruptcy • Adversary • Query • Reports • Utilities • Logout	?
Open Adversary Case			
Party code	3 U.S. not a Party	Primary nature of suit	
Rule 23 (class action)	n	none	
Jury demand	None	01 (Determination of removed claim or cause)	
Demand (\$000)		02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy))	
State law	n	11 (Recovery of money/property - 542 turnover of property)	
		12 (Recovery of money/property - 547 preference)	
		13 (Recovery of money/property - 548 fraudulent transfer)	
		14 (Recovery of money/property - other)	
		21 (Validity, priority or extent of lien or other interest in property)	
		31 (Approval of sale of property of estate and of a co-owner - 363(h))	
		41 (Objection / revocation of discharge - 727(c),(d),(e))	
		51 (Revocation of confirmation)	
		61 (Dischargeability - 523(a)(5), domestic support)	
		62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)	
		63 (Dischargeability - 523(a)(8), student loan)	
		64 (Dischargeability - 523(a)(15), divorce/sep property settlement/decreed)	
		65 (Dischargeability - other)	
		66 (Dischargeability - 523(a)(1),(14),(14A) priority tax claims)	
		67 (Dischargeability - 523(a)(4), fraud as fiduciary, embezzlement, larceny)	
		68 (Dischargeability - 523(a)(6), willful and malicious injury)	
		71 (Injunctive relief - reinstatement of stay)	
		72 (Injunctive relief - other)	
		81 (Subordination of claim or interest)	
		91 (Declaratory judgment)	
		SS (SIPA Case - 15 U.S.C. 78aaa et seq.)	

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ADVERSARY CASE OPENING

MULTIPLE NATURES OF SUIT

ECF Bankruptcy • Adversary • Query • Reports • Utilities • Logout

Open Adversary Case

Party code 41 (Objection / revocation of discharge - 727(c),(d),(e))

Rule 23 (class action) 01 (Determination of removed claim or cause)

Jury demand none

Demand (\$000)

State law none

Primary nature of suit

Second nature of suit

Third nature of suit

Fourth nature of suit

Fifth nature of suit

Next Clear

Up to five Nature of Suit codes can now be entered for an adversary. It is still important to enter Nature of Suit codes in the order of their importance.

The new Adversary Cover Sheet, Form 104, reflects these new data requirements.

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ADVERSARY CASE OPENING

ROLE IN BANKRUPTCY CASE

CM/ECF Bankruptcy • Adversary • Query • Reports •

Plaintiff Information

Laurie Brantley SSN: XXX-XX-1234

Office Address 1

Address 2 Address 3

City State Zip

County Country

Phone Fax

E-mail

Party text

Role in Bankruptcy Case

- Creditor
- Debtor
- Other/Not Applicable
- Trustee
- U.S. Trustee/Bankruptcy Administrator

Defendant and plaintiff party records must now reflect their role in the lead bankruptcy case. Therefore a new field on the Plaintiff and Defendant Information screen is required.

The new Adversary Cover Sheet Form 104 includes this new requirement.

This concludes our presentation.

**You may find more helpful information
by going to our TNMB website:**

<http://www2.tnmb.uscourts.gov/>

and

In CM/ECF/Bankruptcy, click on:

**FYI
Version 3.1**

**For questions or concerns
regarding CM/ECF Version
3.1, you may contact our
help desk at 736-5584**

Thank you